



July 28, 1999

Ms. Roxanna M. Gonzales
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR99-2121

Dear Ms. Gonzales:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126611.

The City of San Antonio (the "city") received a written request for, among other things, a "[p]oll list of early voters by mail." You state that the city has released the requested information to the requestor, but with the social security numbers of the voters redacted. You contend that the social security numbers contained in the voter list are excepted from public disclosure under section 552.101 of the Government Code in conjunction with section 13.004 of the Election Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 13.004 of the Election Code provides as follows:

(a) The registrar may not transcribe, copy, or otherwise record a telephone number furnished on a registration application.

(b) The registrar may transcribe, copy, or otherwise record a social security number furnished on a registration application only in maintaining the accuracy of the registration records.

Elec. Code § 13.004. Because the request does not involve maintaining the accuracy of the registration records, the city is prohibited from copying the social security numbers in response to the current request. However, we note that section 13.004 does not prohibit access to and inspection of the social security numbers. *Cf.* Election Law Opinion No. JWF-24 (1984) (although voter registrar prohibited from transcribing, copying, or recording any telephone numbers furnished on voter registration application, persons inspecting such files not subject to prohibition).

You also contend that federal law prohibits disclosure of the social security numbers. A social security number is excepted from required public disclosure under section 552.101 of the Government Code in conjunction with 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I), *if it was obtained or is maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990. See Open Records Decision No. 622 (1994).* You contend that this federal provision applies in this instance because section 13.004 of the Election Code was enacted after October 1, 1990. Section 13.004, however, does not establish the requirement that the registrar maintain the social security numbers, but rather only prescribes the purposes for which the registrar may “transcribe, copy, or otherwise record” those numbers, to the extent they are held by the registrar. Consequently, we do not believe that the social security numbers are confidential pursuant to the Social Security Act in conjunction with section 13.004 of the Election Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/eaf

Ref.: ID# 126611

Encl. Submitted documents

cc: Ms. Nancy Alanis
P.O. Box 15524
San Antonio, Texas 78212
(w/o enclosures)